

REMARKS

Reconsideration is respectfully requested. Please cancel the response to the Office Action mailed July 18, 2003, and replace it with the present response to the Office Action. Claims 1 and 7 have been amended. Claims 4, 9 and 10 have been canceled. New claim 11 is added. Claim 11 is supported at paragraph [0004] and paragraphs [0043 - 0046] of the application as filed. After entry of this amendment, claims 1-3, 5-8 and 11 will be pending.

Examiner Phone Call

Applicants thank the Examiner for the phone call regarding this case. This response to the Office Action is submitted pursuant to those discussions.

Specification

The Examiner indicates that at pages 1, 2 and 12 of the specification and the Abstract, the information regarding the ATCC deposit is incomplete. In addition, the Examiner points out that the address of the American Type Culture Collection has changed. Applicants have amended the specification at pages 1, 2 and 12 and the Abstract to add the ATCC deposit information and to correct the address information for the ATCC. For the Examiner's convenience, Applicants enclose a copy of the deposit information letter from the ATCC indicating that the deposit number for Pacer is PTA-4010 as deposited on January 24, 2002. As such, the application complies with 37 C.F.R. §1.312 and §§1.801-1.809.

Drawings

Applicant thanks the Examiner for approving the drawings as originally filed.

Claim Objections

The Examiner has objected to claim 7 as lacking an article of language and should read "A tissue culture". Applicants have amended claim 7 to recite "A tissue culture" as requested by the Examiner. In light of this amendment, applicants request that the objection to claim 7 be withdrawn.

Claim Rejections

Claims 4, 9 and 10 were rejected under 35 U.S.C. §112 first paragraph written description and enablement requirements. While not acquiescing to the rejection Applicants cancel claims 4, 9 and 10 in order to facilitate prosecution in this case. Applicants reserve the right to file one or more continuation applications directed to the subject matter of claims 4, 9 and 10. In light of this, Applicants request that the rejection of claims 4, 9 and 10 be withdrawn.

35 U.S.C. §103

The Examiner has rejected claims 4, 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Ryder, et al. While not acquiescing to the merits of the Examiner's rejection and solely to expedite prosecution in this matter, Applicants have cancelled claims 4, 9 and 10. Applicants reserve the right to pursue claims to the subject matter of claims 4, 9 and 10 in one or more continuation applications. Applicants reserve the right to pursue claims to the subject matter of claims 4, 9 and 10 in one or more continuation applications. In light of the cancellation of claims 4, 9 and 10, Applicants request that the Examiner withdraw the rejection under 35 U.S.C. §103.

Allowability of Claims 1-3, 5, 6 and 8

Applicants thank the Examiner for the indication of allowability of claims 1-3, 5, 6 and 8.

CONCLUSION

In light of the above amendments and remarks, Applicant believes that this case is now in condition for allowance. Should there be any remaining issues that remain unresolved, the Examiner is encouraged to telephone the undersigned.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 499962000700. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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